



WESTERN CAUCUS NEWS

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Congressional Western Caucus Decries Supreme Court Decision Undercutting Property Rights

Washington, D.C. - Members of the Western Caucus denounced today's Supreme Court ruling in *Kelo v. City of New London* that local governments may seize private property to be turned over for private development. The Court's 5-4 decision allowing local governments to use "eminent domain" to seize property for redevelopment, even if that development primarily benefits a private company, angered many Western lawmakers.

The case was brought by homeowners in New London, Connecticut where officials plan to tear down a neighborhood community near the Thames River to make way for an office complex. City planners argued that throwing the homeowners off their property would create jobs and generate more tax revenue for the city. Many of the affected citizens have deep roots in their community, including a married couple in their 80s who have lived in the same home for more than 50 years.

Responding to the decision, Representative Chris Cannon (UT-03), Chairman of the Western Caucus said, "This is a clear blow to private property rights. The Supreme Court has shown, once again, that it has lost its moorings to the Constitution. The Fifth Amendment not only requires government to compensate property owners when land is taken, it also requires that it be taken for a 'public use'. If commercial development now meets the definition of 'public use,' no private property is safe from government hands."

"It was cowardice on the part of the majority to handle this case in the way it did. Today's decision is reflective of the unlimited appetite of government and yet another notice that we must always be on guard against it. Whether it is done in the name of economic development or the environment, the taking of private property is fundamentally an assault on American liberty," said House Resources Committee Chairman, Richard Pombo (CA-11).

Rep. Jim Gibbons (NV-02) said, "This is one of the most egregious rulings in the history of the U.S. Supreme Court. This country was founded on the rights of individuals, and this ruling replaces individual rights with more government power. Public use has never before been defined to include private resorts or office complexes. Because of this ruling, every homeowner in every neighborhood could be uprooted simply because a developer offers local officials a 'better deal.' That is simply wrong."

"It's disappointing anytime the Supreme Court rules against liberty," said Rep. Jeff Flake (AZ-06).

Rep. C.L. "Butch" Otter said, "There is simply no justification for classifying private development as the kind of 'public use' anticipated by the Founders as the basis for the government - any government - taking private property. It's this kind of fast-and-loose interpretation of the Constitution that has placed so much of our public life at the mercy of activist courts and creeping statism. The ability for individuals to obtain, use and transfer private property is a fundamental principle of our free society. This decision severely weakens that principle."

"This ruling - effectively allowing local governments to act as handmaidens for industry and developers - has turned the constitution on its head," added Rep. Tom Tancredo (CO-06).

The decision can be found at the following website:

<http://a257.g.akamaitech.net/7/257/2422/23jun20051201/www.supremecourtus.gov/opinions/04pdf/04-108.pdf>

The Western Caucus is a group of 60 members of Congress committed to protecting the interests and ideals of the West.

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